IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 780 of 2005

Between:

Smt. Anwar Begum, W/o. Md. Iqbal Ali,
Muslim, R/o. 130, Sastry Nagar, Near Frankles Compound,

Trimulgherry, Secunderabad.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary, Revenue

Department, Secretariat, Hyderabad.
2 The Revenue Divisional Officer, (Secunderabad), Chevella Division,

Near Begumpet, Secunderbad.
3 The Mandal Revenue Officer, Thirumalgherry (M), Hasmathpet,

Boinpally, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus directing the respondents and henchmen not to interfere with possession of the petitioner in House No.130, Sastry Nagar, near Frankles Compound, Thirumulgerry, Secunderabad land in Sy.No. GLR,285, and pass such other order or orders.

Counsel for the Petitioner:MR.B.SREERAMULU

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

The petitioner was granted a patta certificate in the year 1996 in respect of plot of 66 sq. yards in G.L.R.No.285 of Tirumalagherry, Secunderabad, as a house site. It is her case that even prior to the grant of patta, she has been in possession of the same for several years and she has obtained amenities, such as electric power, in respect of the constructions made by her. The property is said to have been assessed to tax.

This writ petition is filed alleging that the respondents are interfering with the possession of the petitioner over the plot and trying to evict her without initiating any proceedings.

On instructions, the learned Government Pleader for Revenue (Assignments) submits that the petitioner was assigned a plot of 66 sq. yards and she has encroached into the neighbouring land. He also stated that the petitioner violated the conditions and is bringing about a commercial complex.

It is not in dispute that the petitioner is an assignee in respect of 66 sq. yards of land. As long as the assignment is in force, she is entitled to be in possession of the same. If the respondents are of the view that the petitioner had violated the conditions of assignment, they can proceed against her, only after issuing the notice and considering her explanation.

The assignment in favour of the petitioner is only in respect of 66 sq. yards of land. She does not have any right to occupy any land, over and above the said extent. If it is found that the petitioner is in possession of any land, in excess of 66 sq. yards mentioned in the patta, it shall be open to the respondents to resume the same. The petitioner cannot have any plausible objection for that.

Therefore, the writ petition is disposed of with the following directions-

a. The petitioner shall be entitled to remain in possession of plot of 66 sq. yards covered by patta certificate dated 03.02.1996. In case, she is found to have violated any conditions of assignment, it shall be open to the respondents to proceed against her, only after issuing a written notice and passing an appropriate order, duly considering the explanation that may be submitted by her;

b. In case the petitioner is found to be in possession of any land over and above 66 sq. yards, it shall be open to the respondents to resume the same, without the necessity of initiating any proceedings.

The learned counsel for the petitioner submits that the respondents have violated the interim orders, granted by this Court, in this writ petition and seeks directions in this regard. It is impermissible to deal with questions. If the petitioner is so advised, she has to institute necessary proceedings under the Contempt of Courts Act. There shall be no order as to costs.

11.02.2005

ksld

To

1 The Government of Andhra Pradesh, Rep. by its Secretary, Revenue

Department, Secretariat, Hyderabad.
2 The Revenue Divisional Officer, (Secunderabad), Chevella Division,

Near Begumpet, Secunderbad.
3 The Mandal Revenue Officer, Thirumalgherry (M), Hasmathpet,

Boinpally, Secunderabad.

4 Two CCs. to the G.P. for Revenue, High Court of A.P., Hyderabad

(OUT).

5 Two CD copies.